

WILSON POLICE DEPARTMENT

POLICY AND PROCEDURES USE OF FORCE

APPROVED BY CHIEF OF POLICE
MAY 1, 2014

WILSON POLICE DEPARTMENT

Policy Title Use of Force	Policy Number OPS.01	Effective Date May 1, 2014
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Issued By , Chief of Police	Special Instructions SEE: Use of Force Report	

I. Purpose

This directive of the Wilson Police Department establishes policy and procedure(s) regarding the use of force to include non-deadly force, deadly force and the discharging of firearms.

II. Scope

Every officer and police recruit will be issued a copy of this directive and will be instructed in such before employing any of the tactics or weapons set forth herein. Only department issued or approved weapons, equipment and chemical agents will be authorized.

III. Policy (OPS.01.01)

It is the policy of this department to use only the type and level of force necessary to conduct the lawful public safety activities and stated mission of the department. The type and level of force will be only that which is reasonable and necessary based upon the circumstances.

- A. For this department, non-deadly force refers to a tactic, that when properly applied, has minimal risk of causing death or serious physical injury. Deadly force could result in death or serious physical injury. Only those tactics taught by authorized Defensive Tactics Instructors of the Council of Law Enforcement Education and Training (CLEET) will be used.
- B. In situations where an officer must overcome resistance that the officer reasonably believes would produce serious injury or death to the officer or another person, the officer may resort to any method to overcome the resistance. Once the situation has been stabilized and the threat of death or serious physical injury has passed, the officer will use only the type and level of force reasonably necessary to control or arrest a subject.
- C. Any time there is an injury or an alleged injury as a result of applied force by department personnel, officers will do the following:
 1. Examine the subject claiming injury and may render first aid.
 2. Request an ambulance or appropriate medical personnel to respond to the scene if necessary.
 3. Immediately notify a supervisor.
- D. If possible, officers will consider and employ a progression of force when attempting to

control the actions of a subject. A progression of force may not be possible under all circumstances; however, officers will use only the type and level of force reasonably necessary to control or arrest a subject.

- E. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury.

IV. Progression of Force (OPS.01.02)

LEVEL 1 is an officer's presence through the identification of authority.

- A. An example is an officer's presence at a situation that results in the reduction of the potential for violence.
- B. The presence of a police canine at a situation is also a Level 1 response.

LEVEL 2 includes the use of verbal persuasion, negotiation or command. Verbal tactics involve an officer's communication with a subject that results in the control of the subject's actions without the application of physical force.

LEVEL 3 includes control and restraint defensive tactics that have a minimal chance of causing serious physical injury.

Techniques include the following:

- A. Joint locks
- B. Pressure points
- C. Leverage applications by the use of an approved baton.
- D. Handcuffing (metal, plastic or soft restraint devices). Restraint devices will not be placed around a subject's neck.
- E. Level 3 tactics include the use of Oleoresin Capsicum (OC) agents, the CLEET approved Neck Restraint technique and the Electronic Restraint Device (ERD). OC agent, the Neck Restraint technique and the ERD may be used when this level of physical force is necessary and justified to subdue a subject who is threatening violence, resisting arrest or physically interfering with an arrest; or to prevent the possibility of injury to any person. OC agent may also be used to ward off threatening animals.

****** Only those officers that have successfully completed a CLEET approved course of instruction for OC Agent, Ground Fighting and Neck Restraint Tactics or the ERD are authorized to utilize such force options.

LEVEL 4 tactics are considered non-deadly. However, hard empty-hand techniques have a high probability of injury and should be avoided unless all lesser means of defensive tactics and procedures have been considered. Empty-handed techniques include punches, kicks and strikes. Officers will attempt to avoid striking subjects in the face, head or other deadly areas, except in deadly force situations, due to the high probability of serious injury to the subject and low potential for control.

LEVEL 5 tactics are considered non-deadly. Examples of level 5 are as follows:

- A. Straight, side-handle, expandable police baton or Orcutt Police Nunchaku **strikes** may be used if empty-hand control techniques have failed or are not possible under the circumstances. Passive resistance or resistance such as a prisoner's refusal to enter a police vehicle or cell is not sufficient in itself to justify the use of baton **strikes**. A baton may permit officers to defend themselves or others in situations where the use of deadly

force may not be justified or necessary. When the use of a baton is warranted, officers will attempt to strike the subject's arms or legs. Officers will avoid striking or jabbing suspects on the head, neck, sternum, spine, groin or kidneys unless faced with a deadly force situation.

** Officers may carry batons at their discretion. Officers who elect to carry batons must have successfully completed a basic or advanced baton course taught by a CLEET authorized Defensive Tactics Instructor.

B. Flashlights are not designed or authorized for use as an impact weapon.

C. Canines, when properly deployed, are considered a non-deadly tactic.

1. Police canines will not be used for control of crowds or in any circumstances when a strong potential exists for bringing negative publicity upon the police department.
2. Canines may be used to search for or apprehend felony suspects when other force options are impractical or when public or officer safety is threatened sufficiently to justify this level of force. Canines may be used to search for misdemeanor suspects; however, the animal will remain leashed unless officer safety is threatened.
3. Whenever time and circumstances permit, a verbal warning will be given to a suspect prior to unleashing the canine to conduct a search. An announcement identifying police authority and giving directions to the suspect should be made in addition to stating the canine will be released if the suspect fails to comply.

D. Tactical Vehicle Intervention (TVI) is the use of a Patrol vehicle as a "use of force" option. TVI is an application of force by a patrol car that is **not** reasonably anticipated to cause death or serious physical injury to a suspect. TVI will only be utilized when the criteria for Felony Attempting to Elude charges have been met and when all other methods of terminating the pursuit (example - tire deflating devices) have either failed or would obviously be ineffective. TVI is a non-deadly force application which may be used at all speeds.

** Only those officers that have successfully completed the approved TVI course of instruction may utilize this force option.

E. Kinetic Energy Impact Devices (KEIDs) may be used to control a dangerous or violent subject where other tactics have been or will likely be ineffective. KEIDs project a flexible or non-flexible projectile which is intended to incapacitate a subject with a minimal potential for causing death or serious physical injury. KEIDs may be used when impact weapons are impractical for the situation. At no time will supervisors deploy officers with KEIDs without a back-up officer who is equipped with a lethal weapon.

** Only those officers that have successfully completed an approved KEID course of instruction may utilize this force option.

LEVEL 6 is deadly force and is normally employed as a last resort when other measures are not possible under the existing circumstances.

A. The use of police vehicles against the physical body of a person will be considered use of deadly force.

B. The policy concerning the use of deadly force and discharging firearms is as follows:

1. Officers will **not** unnecessarily draw or display any firearm or carelessly handle a firearm. Accidental discharges may be considered careless handling of a firearm.

2. Warning shots will **not** be fired.
3. Firearms will **not** be used under circumstances in which a substantial and unjustifiable risk of death or injury to bystanders exists, unless there is the risk of immediate death to the officer.
4. Officers will **not** discharge firearms in connection with enforcement activities, on or off duty, except under the following circumstances:
 - a. To kill an animal that poses an immediate danger to the officer or another person, when other means of protection are impractical.
 - b. To overcome an attack which the officer **reasonably believes** would result in death or serious physical injury to the officer or another person; where no other reasonable means are available to overcome the attacker.
 - **Reasonable Belief** is defined as the facts or circumstances the officer knows, or should have known; such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
 - **Serious Physical Injury** is defined as a bodily injury that creates a substantial risk of death; causes serious permanent disfigurement; or results in long-term loss or impairment of the functioning of any body part.
 - c. To capture a person who the officer knows has committed a felony involving the use or threatened use of deadly force **and** there is an imminent and great risk that the person will cause death or serious physical injury if apprehension is delayed. Officer will not shoot unless all other available means to capture the felon have been exhausted.
5. Officers will **not** discharge firearms at moving vehicles, at suspects fleeing in vehicles or from a moving vehicle unless **4. b.** or **4. c.** applies.
6. Officers who discharge a firearm at anytime, as a result of an enforcement activity, will make a verbal report to a supervisor as soon as possible and submit a written report as soon as practical.
7. The officer's on-duty Chain of Command will be advised of the weapon discharge incident. If warranted, the senior-ranking supervisor will activate the appropriate investigation team.
8. If the discharge is found to have occurred as a result of improper firearm procedures, the officer, at a minimum, shall undergo remedial firearm training given by a CLEET authorized firearms instructor.
9. When the shooting of a suspect appears imminent, officers shall, if feasible, first issue a verbal warning.
- V. Firearms & Ammunition (OPS.01.03)**
 - A. All firearms will be of high quality and safe in both design and operation. Although no specific brand of firearm is mandated, all must be approved by the Range Master and / or the Chief of Police prior to on or off-duty use. As a definition for this department, firearms include handguns, shotguns and rifles.
 - B. When an officer is off duty and out of recognized police attire, firearms will be concealed from the view of the public at all times. The officer must have in their possession: a Department Badge, Department Commission Card and CLEET Certification Card.
 - C. Personnel who, by the nature of their assignment or extra duty, need to carry firearms other than those approved by this policy may do so only with specific permission from the

Chief of Police.

- D. Except in the line of duty, officers will not carry a firearm when consuming alcoholic beverages. Officers will not carry firearms while impaired by alcohol or prescription drugs.
- E. While performing uniformed duty, officers are limited to carrying firearms capable of firing ammunition no smaller than 9MM Parabellum nor larger than .45 caliber. While performing plain or street clothes duty, officers are limited to firearms capable of firing ammunition no smaller than .380 (9MM Kurz) nor larger than .45 caliber.
- F. Backup firearms, if carried, will be concealed from view of the public. If the backup firearm is carried on the officer's person, it must be covered (for example - ankle or vest holster). The caliber is limited to firearms capable of firing ammunition no smaller than .380 (9MM Kurz) nor larger than .45 caliber.
- G. All officers utilizing a semi-auto-matic handgun shall carry only those magazines that are designed for their firearm and shall be loaded at full capacity as designated by the manufacturer. Extended capacity magazines that do not seat flush with the bottom of the magazine well may be used as secondary magazines. No extended capacity adapters may be installed on a magazine.
- H. Utilization of a shotgun is optional and will be limited to 12 gauge only.
- I. Utilization of a rifle is optional and will be limited to the following calibers: .30 caliber carbine, 9 mm Parabellum, .40 S&W, .45 ACP and .223. Rifles will only be equipped with hard sights or non-magnifying optic sights (for example - Aimpoint, EOTech, etc). If optic sights are utilized, the hard sights must remain on the weapon. Long range rifles (those with telescopic sights or of a caliber different than specified above) will only be approved by the Chief of Police for officers of the Special Weapons and Tactics Team or other officers who have specific training in long range rifles.
- J. Automatic Weapons are restricted to use only by officers of the Special Weapons and Tactics Team.
- K. Handgun ammunition used by all officers shall be a commercially produced, jacketed hollow-point that meets minimum specifications established by the Range Master and subject to approval by the Chief of Police.
- L. Shotgun ammunition used by all officers shall be commercially produced and will only be 00 Buck and 1 ounce slug that meet the minimum specifications established by the Range Master and subject to approval of the Chief of Police.
- M. Rifle Ammunition shall be as specified in handgun ammunition or a commercially produced, jacketed soft-point that meets the minimum specifications established by the Range Master and subject to approval of the Chief of Police.
- N. Ammunition for scheduled qualifications, approved training and duty use will be provided by the Department. Although policy allows for a wide caliber range of firearms, the Department will issue ammunition only for the following calibers: .38 Special, 9 mm Parabellum, .40 S&W, .45 ACP and 12 gauge shotgun. The specific brand, type and weight of ammunition issued by the Department will be at the discretion of the Chief of Police. Officers electing to carry calibers or brands other than that issued by the Department are responsible for the purchase of that ammunition.
 - 1. All ammunition will meet or exceed minimum specifications required by the firearm's manufacturer.
 - 2. Officers changing caliber of duty firearms will notify the Range Master in writing of the type of firearm and caliber.
 - 3. Ammunition, other than department issue, requires approval from the Range Master before it can be carried.

4. The Range Master will be responsible for maintaining records on the ammunition approved for officers to carry.

VI. Firearms Proficiency (OPS.01.04)

- A. Officers must be knowledgeable and proficient with the design and proper operation of the firearm they carry and must meet minimum qualifications.
- B. Officers who request to carry a rifle must first attend a CLEET Rifle school or another approved school specific to the rifle being authorized.
- C. Officers must qualify with their handguns annually.
- D. If an officer elects to carry a shotgun or rifle they must qualify with that firearm annually.

Use of Force Incidents & Discharge of Firearms (OPS.01.05)

Officers will document the use of each level of force in the following manner. Officers will include in their documentation all levels / types of force used; and when, how and why that force was escalated or de-escalated.

LEVEL 1 - Documentation of this level of force in the police department crime report is at the discretion of the officer involved.

LEVEL 2 - Documentation of this level of force in the police department crime report is at the discretion of the officer involved.

LEVEL 3 - Documentation of this level of force will be at the discretion of the involved officer's supervisor, unless the force used results in injury or alleged injury. The following procedures will be followed when injury or alleged injury occurs.

- A. The officer will notify a supervisor as soon as possible when there is an injury or alleged injury to a suspect as a result of the use of a control and restraint tactic. The officer will notify a supervisor as soon as possible after the use of an OC agent, the Neck Restraint technique or the Electronic Restraint Device.
- B. The police department crime report form will be completed with sufficient narrative detail to explain and document the situation. If no injury occurs, this will also be documented. An additional copy of the report will be made and forwarded through the chain of command to the Chief of Police.
- C. A **Use of Force Report** form, see copy attached, will be completed by the officer and forwarded to the Chief of Police through the Chain of Command.

LEVEL(s) 4 or 5 - A supervisor will be contacted as soon as possible in any incident in which level 4 or 5 arrest tactics were used. All incidents where level 4 or 5 tactics were used will be documented in the following manner:

- A. The officer will notify a supervisor immediately.
- B. The police department crime report form will be completed with sufficient narrative detail to explain and document the situation. If no injury occurs, this will also be documented. An additional copy of the report will be made and forwarded through the chain of command to the Chief of Police.
- C. A **Use of Force Report** form will be completed by the officer and forwarded to the Chief of Police through the Chain of Command.

LEVEL 6 - All incidents involving the use of deadly force by an officer will be investigated by the

Investigations Supervisor.

- A. The officer will notify a supervisor immediately. That supervisor will immediately notify the Shift Commander. The Shift Commander will notify the Chief of Police as soon as possible.
- B. When an officer of this Department discharges a firearm, a Police Shooting Team will be established. Such Team will utilize the authorized procedure to guide them in the investigation of the incident. Exceptions to this policy will be:
 - 1. Training activities.
 - 2. Lawful recreational purposes.
 - 3. The dispatching of an animal with permission of a police supervisor.

VIII. Post-Fatality Operations (OPS.01.06)

Upon the occurrence of a police action resulting in death, the **Officer Involved Shooting / Fatality Procedure** will be utilized.

- A. The Chief of Police or their designee will advise the subject officer(s) that they are relieved of field duty with pay until review of the shooting / fatality incident has been completed.
- B. All personnel involved in a shooting or fatality incident may be subject to a mandatory psychological evaluation.
- C. All personnel directly involved in a shooting or fatality incident will attend a Critical Incident Stress Debriefing.
- D. The officer(s) who discharged their weapon or utilized a force option that results in a fatality must attend at least one (1) psychological consultation by a licensed provider of their choice. This consultation should occur as soon as possible.